

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2618**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hans-Jurgen EULER

Group Art Unit: 2618

Application No.: 10/527,259

Examiner: T. NGUYEN

Filed: November 21, 2005

Docket No.: 123098

For: METHOD AND DEVICES FOR UTILIZING DATA IN DATA FORMATS THAT
CANNOT BE DIRECTLY PROCESSED

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 10, 2007 Office Action, reconsideration of the rejection and objections is respectfully requested in light of the following remarks.

Claims 1-19 and 21 are pending in this application. Claims 1-8 are rejected under 35 U.S.C. §103(a) over U.S. Pat. Pub. No. 2004/0203856 to Wigren et al. ("Wigren") in view of U.S. Pat. No. 6,671,680 to Iwamoto et al ("Iwamoto"). Claims 2 and 4-8 are rejected under 35 U.S.C. §103(a) over Wigren in view of Iwamoto and further in view of U.S. Patent Publication No. 2006/0135186 to Hans et al. ("Hans"). Claims 9-16 are rejected under 35 U.S.C. §103(a) over Wigren in view of Iwamoto in further view of U.S. Pat. No. 7,039,421 to Couronne et al ("Couronne"). Claims 17-19 are rejected under 35 U.S.C. §103(a) over Wigren in view of Iwamoto and Couronne in further view of Hans. Finally, claim 21 is

rejected under 35 U.S.C. §103(a) over Couronne in view of Iwamoto. These rejections are respectfully traversed.

The Office Action asserts that the combination of Wigren and Iwamoto disclose the recited elements of claim 1. The Office Action also asserts it is proper to combine Wigren and Iwamoto because they arise from "the same field of endeavor." However, these assertions are flawed for two reasons.

First, Wigren and Iwamoto are not from the same field of endeavor because Wigren and Iwamoto belong to different technical fields. Wigren relates to the field of cellular communication technology, specifically using a cell network to determine the elevation of a particular cell phone, as evidenced by its title. By contrast, Iwamoto relates to a data mining apparatus for finding and displaying information out of stored data. In short, Iwamoto discloses searching through stored data to find relevant material.

Moreover, Iwamoto does not relate to the technical field of the instant application either. The instant application improves the transmission of geodetic data, at high speed, in real time. By contrast, Iwamoto only discloses mining previously stored data. As such, one of ordinary skill in the art would not have had any motivation to search Iwamoto's field, nor any suggestion to combine it with Wigren. Therefore, the combination of these two references is improper.

Second, even if the combination of references is proper, Iwamoto does not disclose a recited element of claims 1 and 21. Claim 1 recites that "at least one reference directory is transmitted and is stored in the storage means...and wherein the mean for processing utilizable data employ the reference directory...for evaluating data received by the communication mean." Claim 21 recites a similar feature. The Office Action asserts Iwamoto discloses this element in Figs. 20A-20C and col. 18 line 42 - col. Line 16. However, this assertion lacks merit.

The instant application relates to data processing in geodetic devices or systems. Those devices receive a large number of data which are broadcast or sometimes communicated bidirectionally. As an example, an application may include non-directional broadcasting of correction data for Differential GPS (see paragraph [0006] of Applicant's specification). However, this gives rise to requirements that the communication be possible with various systems in the transmission range of a reference station, so that a form of standardization of transmitted data format is necessary.

As described in Applicant's specification in, for example, paragraphs [0009] and [0011], a well-known prior art system is provided with ID headers or data fields. In this, each message transmitted has after its introductory part, a sequence which indicates to the receiver whether further additions follow. From this, the recipient knows how to interpret and process the data stream. The additions are indicated by flags or indicators. For a limited number of flags, data formats are defined as selected permutations and provided with continuous coding. From this number transmitted at the beginning of the communication, a device is able to derive the data format and hence evaluate the data fields. However, this requires transmission of the flag or indicator in the first data field of each transmission.

The subject matter of independent claim 1 is entirely different in operation. The method of claim 1 transmits and stores a reference directory separate from the data transmission itself. As the reference directory is separate from data transmission, its size is not limited by the data format of the message, and does not contribute to the size of the data sent. Instead, after receipt and storage of the reference directory in a geodetic device, the directory can be employed for evaluating utilizable data received by the communication means at a later point in time.

This allows a single transmitted reference directory to be used to evaluate data broadcast in a large volume. It also can ensure a continuous adaptation of the geodetic

devices due to revision of standards or formats by allowing an automated or manually initiated transmission of the reference directory periodically either as a single transmission or distributed over a period of time (See, e.g., paragraphs [0026] and [0030]). Thus, due to this approach, the recited method can use a single reference directory to evaluate a large number of data messages sent in a form that could otherwise not be processed. Moreover, as an update can be performed periodically at a relatively small rate relative to the volume of data messages being transmitted, the transmission of a larger directory does not restrict the data stream flow as would an integrated approach.

Iwamoto discloses that the "classifying conditions serving as an unknown rule discovered by the user from the tree diagram as a classification result...are *converted* into a database extracting condition sequence" (emphasis added) (col. 18 lines 44-48). Iwamoto further discloses the tree diagram is obtained as a classification result in the 'IF-THEN' format. In other words, Iwamoto discloses forming a usable conditional sentence character train from an unusable discovery rule, thereby enabling the sentence of the discovery rule to be used.

As such, a person of ordinary skill in the art trying to combine Iwamoto with Wigren would try to convert the content of a message into a usable format, and then transmit the message to another geodetic device. However, such a process is completely different from the claimed process. Claim 1 recites that the message is transmitted in its original format while the reference directory is transmitted separately. The reference directory indicates the data fields of the message, which can be evaluated. This allows, for example, a message to be transmitted in one format to several receiving devices, which cannot all handle the same format. As such, the combination of Iwamoto and Wigren fails to teach each and every element of claim 1.

For at least the reasons discussed, withdrawal of the rejection of claim 1, and claims 2-19 depending therefrom, is respectfully requested.

Regarding claim 21, the Office Action asserts that the combination of Couronne and Iwamoto disclose all the recited elements. However, Couronne and Iwamoto are also from disparate technical fields. Furthermore, for the reasons discussed above, the combination of Iwamoto with Couronne, would lead one of ordinary skill in the art to try to convert the content of a message into a usable format, and then transmit the message to another geodetic device. As such, withdrawal of the rejection of claim 21 is also requested. Hans also fails to remedy the deficiencies of Couronne, Iwamoto and Wigren.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 and 21 is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:MKW/ccs

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